

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	NUMBER
1085/4	75	0399	09 04 75	4	140	1	14			13	8510	D	75	0399-C

PLAINTIFFS

DEFENDANTS

UTICA NATIONAL BANK & TRUST COM-
PANY, a National Association

4-25-75
~~FRANK E. FREY, E. H. HOFFMAN,~~
T. J. KREATSCHMAN and TOM
WALKER

CAUSE

Suit on a promissory note in default under contract.

ATTORNEYS

Lawrence T. Chambers, Jr.
1200 Atlas Life Building
Tulsa, Oklahoma 74103

585-5541

2011
2-17
David W. Shuford
HEWETT JOHNSON SWANSON & BARBEE
4700 First International Bldg.
Dallas, Texas 75270
Phone: 214/653-2012

Reuben Davis (Kreatschman & Walker)
914 World Bldg.
Tulsa 74103

~~Ceylon S. Lewis, III 587-3161~~
~~1640 S. Boston (Frey & Hoffman)~~

~~Tulsa, Okla. 74119~~
Roger J. Allen
Strother, Davis & Levy (Kr. & Walker)
2001 Bryan Tower, Suite 3838
Dallas, Tex. 75201

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 10-1-75

JS-6 12-1-76

DATE	NR.	PROCEEDINGS
9-2-75	1.	Complaint, filed. Summons, issued. lm Defts. Tom Walker and T. J. Kreatschman's
9-25-75	2.	/Application for Extension of Time to Answer to 10-9-75, filed. lm
9-25-75	3.	Order, filed, granting defts. Tom L. Walker and T. J. Kreatschman to answer to 10-9-75, filed. (JGS-Clk)lm
10-1-75		US Marshals Service ret. & filed by serving Summons on: T. J. Kreatschman in Dallas on 9-5-75 W/fees of \$4.72. Tom L. Walker in Dallas by serving Mrs. Tom L. Walker, Wife on 9-19-75 W/fees of \$4.84. Frank E. Fey in Dallas by serving Dennis Sullivan, Attorney on 9-22- 75 W/fees of \$14.08. E. H. Hoffman in Dallas by serving Mrs. E. H. Hoffman, Wife on 9-17-75 W/fees of \$14.08.mm
10-8-75	4.	Applic. of defts. Kreatschman & Walker for ext. of time to ans., filed. hm
10-10-75	5.	Applic. of Frey & Hoffman for ext. of time to file brief in support of mo/dismiss, filed. hm
10-10-75	6.	Mtn to Dismiss Complaint of defts. Frey and Hoffman for lack of Juris. over the person and insufficiency of service of process w filed, w/leave granted to file of time(HDC-J)jj copies mailed
10-10-75	7.	Order, filed, that defts. Frey and Hoffman are granted ext. of time until 10-25-75 to file evidence and brief in support of their Mtn. to Dismiss (HDC-J)jj copies mailed
10-10-75	8.	Order, filed, granting defts. Kreatschman and Walker until 10-19-75 to further plead or ans. pltf's Complaint.(HDC-J)jj copies mailed
10-17	9.	Mot. of Dfts. T. J. Kreatschman & Tom L. Walker to Dismiss Compl. for lack of Jurisdiction over the person, filed. v
10-17	10.	Brief in support, filed. v
10-20	MO:	Ordered by the Court that Pltf. is granted 10 days from this date to respond to the Mot. to Dismiss fld. by Defts. Kreatschman & Walker. (HDC-J)v
10-24	11.	Appl. of Defts. Frey and Hoffman, for Ext. of Time until 11-4-75 to file brief in support of their Mtn. to Dismiss, filed.jj 0 to J
10-28	12.	Order, filed, granting defts. Frey and Hoffman 10 days from 10-25-75 to file evidence and brief in support of their mot. to dismiss.(HDC-J)g
10-29	13.	Plaintiff's appl. for 10 days from date that Defts. Frey & Hoffman's evidence & brief in support of mot. to Dismiss is filed w/in which to respond to said motion & that of defts. Kreatschman & Walker, filed.k 0 to J
10-31	14	Order, filed, granting pltf. 10 days from date defts. Frey and Hoffman file their evidence and brief in support of mot. to dismiss, to re- spond to that motion and pending mot. of defts. Kreatschman and Walker. (HDC-J)g cpies mld.
11-4	15.	Applic. of defts. Frey & Hoffman for ext. of time, filed. hm
11-4	16.	Order, filed, granting defts. Frey & Hoffman until 11-14-75 to file brief in support of their mo/dismiss; this is final extension. (HDC-J)hm (copies mailed)
		Frank E. Frey and E. H. Hoffman
11-14	17.	Brief in support of defts./motion to dismiss, filed. lm

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-399</u>
Utica Bank & Trust Co.		Frank E. Frey, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
11-14-75	MO	It is ordered by the Court that pltf. is granted ten days from this date to file a responsive brief to defts. Frank E. Frey and E. H. Hoffman motion to dismiss. (HDC-J)lm ltrs mld.	
11-24-75	18.	Plts. brief in opposition to Defts' Mot. to dismiss, filed. tc	
12-11	19.	Appl. of defts. Frey & Hoffman for ext. of tme to respond to pltf. brief in opposition to def. mo/dismiss, filed. rm	
12-12	20	Order, filed, granting defts. Frey and Hoffman 15 days from this date to file response to pltf's brief in opp. to defts' mots. to dismiss. (HDC-J)g cpies mld.	
12-19	21.	Brief in Response to Pltf's Brief in Opposition to Defts' Mtn. to Dismiss, filed.jj	
2-4-76	22	Order overruling motion to dismiss filed by defts. Hoffman, Frey, Walker and Kreatschman, filed. (HDC-J)g <i>smk</i>	
2-13-76	23.	Defts' T. J. Kreatschman & Tom L. Walker's appl. and order granting them until 3-5-76 in which to answer.(HDC-J)ph cps mld by deft. counsel	
3-2	24.	Appl. for Ext. of Time to Ans. until 3-17-76, filed.jj 0 to J	
3-4	25.	Applic. to withdraw of Hewett, Johnson, Swanson & Barbee as attys for defts. Kreatschman & Walker, filed. hm	
3-4	26.	Motion to substitute of Strother, Davis & Levy, attys for defts. Walker & Kreatschman, filed. hm	
3-4	27.	Answer of defts. Kreatschman and Walker, filed. hm (Jury trial demanded	
3-5	28	Order, filed, granting firm of Hewett, Johnson, Swanson & Barbee leave to withdraw as counsel for defts. Kreatschman and Walker. (HDC-J)g cp mld.	
3-5-	29	Order, filed, substituting Roger J. Allen of Strother, Davis & Levy, Dallas, Tx. as out of state counsel for defts walker and Kreatschman. (HDC-J)g cp mld.	
3-5	30.	Order, filed, granting defts. Frey & Hoffman til 3-20-76 to answer. (HDC-J)k cps mld	
3-19	31.	Appl. of Ceylon S. Lewis, III, the firm of Chapel, Wilkinson, Riggs & Abney to w/draw as counsel for defts. Frank E. Frey & E.H. Hoffman, fld. v (o)	
3-25	MO:	Case set for hearing on applic. to withdraw of Ceylon S. Lewis, III on Monday, 4-12-76 at 9:30 a.m. (HDC-J)hm (notices mailed)	
3-26	32.	Defts' Kreatschman and Walker's interrogs. to plaintiff, first set, filed. ph	
4-12	MO:	Hearing held on applic. to withdraw of Chapel, Wilkinson, Riggs & Abney, by Ceylon S. Lewis, III, as for defts. Frey & Hoffman. Mr. Lewis states defts. Frey & Hoffman plan no defense of this case & pltf. counsel to file mo/default against said defts. this date. Ct. approves mo/withdraw; order signed & filed in open court. (HDC-J)ph	
4-12	33.	Order, filed that Chapel, Wilkinson, Riggs & Abney are granted leave to withdraw as counsel for defts. Frey & Hoffman. (HDC-J)ph cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-399</u>
Utica National Bank & Trust		Frank E. Frey, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
4-12-76	34.	Mot. for Default judg., filed. t	
4-12-76	35.	Affidavit for Entry of Default, filed. t	
4-12-76	36.	Affidavit of Costs, filed. t	
4-12-76	37.	Affidavit of Amount Due, filed. t	
4-13	MO:	Case set for hearing on Pltf's mo/default judgment against defts. Frey & Hoffman, on 4-23-76 at 10:00 a.m. (HDC-J)ph cps mld	
4-15	38.	Pltf's appl. for additional time to ans. interrogs, filed. ph o b g	
4-16	39.	Order, filed, granting pltf. 20 days to ans. interrog. (HDC-J)k cp m	
4-23	MO:	Case called for hearing on pltf's mo/def. judgment against defts. Frey and Hoffman. Said defts. not present & not represented. Statements made. Court states that proper notice having been given, and over objections to entry of def. judgment by counsel for defts. Kreatschman & Walker, default judgment should be entered against defts. Frey & Hoffman. Judgment, signed and filed in open court, including \$2,000 in atty's fees. (HDC-J)hm	
4-23	40.	Judgment, filed and entered, that pltf. recover judgment against defts. Frank E. Frey and E. H. Hoffman in the sum of \$13,016.66, atty's fees in amt. of \$2,000.00 & costs of action in amt. of \$48.88, plus int. on total sum from this date at rate of 10% per annum until paid. (HDC-J)hm (copies distributed & copies mailed to defts. Frey & Hoffman by pltf. counsel)	
5-6	41.	Pltf's ans- to defts' interrogs, first set, filed. ph	
5-10	42.	Defts' notice to take depositions of Frank E. Frey & E. H. Hoffman, filed. ph	
5-24		Deposition and subpoena, ret & filed: served E. H. Hoffman by serving G. Dennis Sullivan, Legal Counsel at Dallas, TX on 5-19-76; served Frank E. Frey by serving G. Dennis Sullivan, Legal Counsel at Dallas, TX on 5-19-76. (USM \$9.04)ph	
6-8	MO:	Case set for PT hearing 8-17-76 at 11:30 a.m. (HDC-J)hm	
8-17	MO:	Pre-trial hearing held. Statements made. Pre-trial order filed in open court and case set for jury trial 10-26-76 at 9:30 a.m. (HDC-J)hm	
8-17	43.	Pre-trial order, filed in open court. (HDC-J)hm	
8-31	44.	Notice to take deposition upon oral examination, filed by pltf. ph of T. J. Kreatschman and Tom L. Walker.	
9-8	45.	Motion of defs. Walker & Kreatschman for protective order, filed. rm	
9-8	46.	Memo in support of mo/protective order, filed. rm	
9-10	47.	Pltf's memorandum in oppos. to defts' mo/protective order, filed. hm	
9-10	MO:	In re mo/protective order, if pltf. wants to take the depositions in Tulsa, he will pay the expense of the defts' but will not have to pay the expense of deft's Texas counsel since they have adequate local counsel that can attend; otherwise if they are unwilling to pay, they can go to Texas to take the depositions. If deft. still objects to taking the depositions in pltf's office, a space will be provided at the Courthouse. (HDC-J)hm (parties notified by phone)	

(cont.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>75-C-399-C</u>
Utica National Bank & Trust		Frank E. Frey, et al		PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS		
1976				
9-13	48.	Pltf's second notice to take deposition upon oral examination of T. J. Kreatschman and Tom L. Walker, filed. ph		
9-17	49.	Pltf's amended second notice to take deposition upon oral exam. of T. J. Kreatschman and Tom L. Walker, filed. ph		
9-29	50.	Defts. Kreatschman & Walker's request for production of documents pursuant to Rule 34., filed. ph		
9-29	51.	Defts' Kreatschman & Walker's interrogs. to pltf., Second Set, filed. ph		
9-29	52.	Appl. of defts. Kreatschman & Walker for order shortening time in which to file a resp. to the defts' req. for production of documents pursuant to Rule 34, filed. ph		
9-29	53.	Order, filed, that the time in which pltf is to resp. to defts' req. for production of documents be shortened to 12 days, and no later than 10-11-76. (HDC-J)ph cps mld		
10-12	54.	Pltf's resp. to request for production of documents pursuant to Rule 34, filed. ph		
10-13	55.	Pltf. answers to def. interrogatories, 2nd set, filed. rm		
10-18	56.	Defts. requested instructions, filed. rm		
10-18	57.	Trial brief of defts., filed. rm		
10-18	58.	Instructions requested by pltf., filed. rm		
10-18	59.	Pltf. requested voir dire questions, filed. rm		
10-18	60.	Memorandum trial brief of pltf., filed. rm		
10-21	61.	Letter from Lawrence T. Chambers, Jr. to Reuben Davis, re list of additional witnesses, filed. ph		
10-22	62.	Response of defts. Kreatschman and Walker to trial brief of pltf., filed. rm		
10-26	MO:	Case called for jury trial. Parties announce settlement & settlement dictated into record. Final papers to be submitted within 2 weeks. (HDC-J)hm		
11-8	63.	Joint appl. for dismissal w/prejudice and stipulation, filed. ph		
11-12	64.	Order, filed and entered, that pltf's complaint and cause of action against defts. Walker & Kreatschman is dismissed. (HDC-J)hm (copies mailed)		

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PAGE ____ OF ____ PAGES

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